

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELLIE STEWART et al.

Plaintiffs,

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6-24-2016

No. 16CV2684-LTS-JLC

-against-

MARIANNE LAKE et al.,

Defendants.  
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ORDER

Plaintiffs filed the above-captioned action on April 11, 2016. (Docket Entry No. 1.) On June 6, 2016, Defendants Daryl Bible and Kelly King filed a motion to dismiss Plaintiffs' complaint pursuant to Federal Rules of Civil Procedure 8, 12(b)(2) and 12(b)(6). (Docket Entry No. 4.) The deadline for opposition to the motion has passed, and the Court therefore deems the motion unopposed.

The Court has also received correspondence from counsel for Defendant James Mackey, alerting the Court to the existence of a substantially similar action, in the Eastern District of New York (Case No. 14CV7425-PKC), previously filed by the Plaintiffs in this action. (Docket Entry No 9.) The letter attaches the Memorandum and Order of United States District Judge Pamela K. Chen dismissing Plaintiffs' complaint sua sponte in light of its failure to assert a valid basis for federal jurisdiction or otherwise conform to the dictates of Federal Rule of Civil Procedure 8. (See id. at ECF pp. 4-11.)

The Court has reviewed Defendants Bible and King's unopposed motion to dismiss and, for the reasons set forth in the accompanying memorandum of law (Docket Entry No. 5), that motion is granted. Furthermore, having carefully reviewed the complaint in this

action, the Court finds that it is not materially different from the complaint filed in Case No. 14CV7425-PKC. Therefore, for the reasons set out in the thoughtful and well-reasoned Memorandum and Order of Judge Chen in that case, the Court dismisses Plaintiffs' complaint as against all Defendants in this case. (See Docket Entry No. 9 at ECF pp. 4-11.)

This Order resolves Docket Entry No. 4. The Clerk of Court is respectfully requested to enter judgment in Defendants' favor and to close this case

SO ORDERED.

Dated: New York, New York  
June 24, 2016

  
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LAURA TAYLOR SWAIN  
United States District Judge